

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES MCDONALD,

Plaintiff,

v.

ONEWEST BANK, FSB, et al.,

Defendants.

Case No. 10-cv-1952-RSL

ORDER SETTING SETTLEMENT
CONFERENCE

This matter comes before the Court on referral from the Honorable Robert S. Lasnik for early settlement proceedings, because such proceedings will serve the interests of the parties, further the administration of justice, and encourage an efficient and economical determination of the action. *See* Dkt. 80. On December 3, 2010, plaintiff, proceeding *pro se*, filed a complaint and request for a restraining order to stop the non-judicial foreclosure on his home. Dkt. 1. A preliminary injunction was entered on January 25, 2011. Dkt. 24. On July 7, 2011, Chief Judge Lasnik referred this matter to the undersigned for settlement proceedings.

On July 11, 2011, the Court stayed all proceedings before Chief Judge Lasnik, and advised plaintiff to secure legal counsel for the protection of his legal rights during settlement proceedings in this case. Dkt. 83. On July 19, 2011, plaintiff contacted the Court and

1 requested that pro bono counsel be appointed. As a result, pro bono counsel was appointed to
2 represent plaintiff during settlement proceedings in this case.

3 **Accordingly, all parties and their counsel, if any, are hereby ORDERED to appear**
4 **in person at the U.S. District Court in Seattle for a settlement conference in this action on**
5 **Monday, August 29, 2011, at 9 a.m. before the Honorable James P. Donohue in**
6 **courtroom 12A.** All parties are also advised that the settlement conference may be
7 reconvened as needed.

8 If the plaintiff's house has already been sold, the parties shall exchange settlement
9 briefs of no more than fifteen (15) pages by no later than August 12, 2011. The briefs should
10 outline the history of the case, the history of settlement discussions, and all liability and
11 damages issues. Additionally, please identify all individuals who will be in attendance at the
12 conference. Each attorney who will try the case should be present, accompanied by his or her
13 client, to include a representative who has complete authority to make a final decision
14 regarding a settlement. The settlement briefs are **not** to be filed with the Clerk. However, a
15 copy must be emailed to Judge Donohue at donohueorders@wawd.uscourts.gov by 4:00 pm on
16 August 12, 2011.

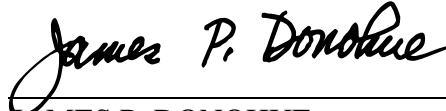
17 In addition, the parties are directed to submit a separate, confidential memorandum of
18 no more than ten (10) pages discussing how the case might be settled. The confidential
19 memorandum is to be emailed to Judge Donohue at donohueorders@wawd.uscourts.gov by
20 4:00 pm on August 12, 2011. The confidential memoranda are **not** to be shared between the
21 parties, nor a copy filed in any manner with the Clerk. If the parties have any questions about
22 these procedures, they should contact Peter Voelker at (206) 370-8422.

23 If plaintiff's house has not yet been sold, the parties are directed to prepare and
24 exchange the following documents by no later than August 12, 2011. Plaintiff is directed to
25 prepare (1) a financial statement with current and future income information, (2) debts and
26 obligations, as well as (3) tax returns for the past two years. Counsel for defendants are

1 directed to prepare (1) a loan balance as of the first day of the month of the mediation, (2)
2 copies of the promissory note and deed of trust, (3) proof the beneficiary is the owner of any
3 promissory note or obligation secured by the deed of trust, such as a copy of the declaration
4 referenced under RCW 61.24.030(70)(a), (4) an itemized list of any applicable fees and
5 charges, (5) plaintiff's payment history for the last 12 months, (6) net present value and loan
6 modification inputs, (7) explanation of why loan modification was denied, and any other
7 relevant documents pertaining to loan modification. Counsel for the defendants are also
8 directed to arrange for a representative of defendant with full settlement authority to attend the
9 conference.

10 The Clerk is directed to send a copy of this Order to plaintiff, counsel for plaintiff,
11 counsel for defendants, and Chief Judge Lasnik.

12 DATED this 20th day of July, 2011.

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14 JAMES P. DONOHUE
15 United States Magistrate Judge
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